IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2040 OF 2004

Shri Keshav Baburao Kanade,
since deceased through L.Rs
1A.Shri Narayan Keshav
Kanade & Ors. .. Petitioners

vs

The State of Maharashtra & Anr. Respondents

Mr Dilip Bodake, for the petitioners.
Mr A.H.Palekar, AGP, for the respondents.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 18, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This petition is directed against the concurrent findings recorded by the revenue authorities in the R.T.S proceedings. Mr Bodake, learned counsel for the petitioners, at the outset, on instructions, submits that he has instructions not to press this petition and the petitioners would be satisfied if they are given liberty to adopt appropriate proceedings to establish their rights in the property in dispute and if they ultimately succeed, they may be given further liberty to

approach the revenue authorities for effecting necessary changes in the revenue record. Mr Palekar, learned AGP has no objection for granting such liberty.

3. Having regard to the submissions made by the learned counsel for the petitioners and the learned AGP, for the respondents, I am satisfied that the following order will meet the ends of justice:

(i) Liberty to the petitioners to institute appropriate proceedings for establishing their rights in the property in dispute.

(ii) It is needless to state that the orders impugned in the writ petition would be subject to outcome of the proceedings that would be instituted by the petitioners for determining their rights in the property in dispute. It is open for the petitioners to approach the revenue authority as and when they succeed in those proceedings. While granting the liberty I shall not be understood to have expressed any opinion on merits of the case. If the proceedings are initiated by the petitioners for determining of their rights, same may be considered in accordance with law. The writ petition is

accordingly disposed as not pressed.

(iii) All contentions are left open.

(D.B.Bhosale, J.)